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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT SEATTLE  
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12                  JAMES DAVID GRIEPSMA,

13                  Plaintiff,

14                  v.

15                  CHRISTIAN J. ANDERSEN, *et al.*,

16                  Defendants.

17                  CASE NO. 2:21-00302-LK-TLF

18                  ORDER ADOPTING REPORT AND  
19                  RECOMMENDATION

20                  The Court has reviewed the Report and Recommendation of United States Magistrate  
21                  Judge Theresa L. Fricke, Dkt. No. 120, and the remainder of the record. Judge Fricke  
22                  recommended that the Court deny Mr. Griepsma's "Request for Permission to File (Proposed) 42  
23                  U.S.C. 1983 Supplemental Prisoner Civil Rights Complaint Under F.R.C.P. 15(d) With Jury  
24                  Demand" ("Motion to Supplement") (Dkt. No. 92). Mr. Griepsma has not filed objections to the  
Report and Recommendation.

25                  Judge Fricke recommended that the Court deny the Motion to Supplement because it did  
26                  not appear that Mr. Griepsma was trying to supplement his complaint pursuant to Federal Rule of  
27                  Civil Procedure 15(d) by adding events that happened after he filed his complaint. Dkt. No. 120 at

1 2; *see* Fed. R. Civ. P. 15(d) (“On motion and reasonable notice, the court may, on just terms, permit  
 2 a party to serve a supplemental pleading setting out any transaction, occurrence, or event that  
 3 happened after the date of the pleading to be supplemented.”).<sup>1</sup> Instead, the additional allegations  
 4 Mr. Griepsma sought to add appeared related to the events in 2019 that were alleged in his current  
 5 amended complaint (Dkt. No. 43). Dkt. No. 120 at 2. Judge Fricke explained that Mr. Griepsma’s  
 6 request, liberally construed, seemed more consistent with a motion for leave to amend, but the  
 7 request did not comply with Local Civil Rule 15. *Id.* That rule requires that the movant “attach a  
 8 copy of the proposed amended pleading as an exhibit to the motion” or “indicate on the proposed  
 9 amended pleading how it differs from the pleading that it amends by bracketing or striking through  
 10 the text to be deleted and underlining or highlighting the text to be added.” *Id.* at 3 (citing LCR  
 11 15).

12 Because Mr. Griepsma’s request to file a supplemental complaint did not seek to add  
 13 matters that occurred after the filing of the initial complaint, as required by Federal Rule of Civil  
 14 Procedure 15(d), and because the request (construed as a motion to amend rather than supplement)  
 15 did not comply with Local Civil Rule 15, Judge Fricke recommended that his motion be denied.  
 16 Dkt. No. 120 at 3. As stated above, Mr. Griepsma did not file objections to the Report and  
 17 Recommendation.

18 Based on the foregoing and its review of the record, the Court hereby ORDERS as follows:

- 19 (1) The Court adopts the Report and Recommendation;
- 20 (2) Plaintiff’s Motion to Supplement (Dkt. No. 92) is DENIED.
- 21 (3) Construed liberally as a motion to amend the complaint, Plaintiff’s motion (Dkt. No.

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 23 <sup>1</sup> A supplemental pleading differs from an amended pleading because a supplemental pleading relates to matters  
 24 occurring subsequent to the filing of the initial complaint, while an amended pleading relates to matters occurring  
 prior to the filing of the initial complaint.

92) is DENIED without prejudice, meaning that he may file a motion to amend the complaint that complies with the Court's local rules. As Judge Fricke stated in her order, “[i]f Plaintiff decides to file a motion to file an amended complaint, he must submit the entire amended complaint (not a supplement) to the Court with brackets or strike-throughs to show what is being deleted, and underlining or highlighting to show what is being added.” Dkt. No. 120 at 3.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing pro se at said party's last known address.

Dated this 8th day of June, 2022.

Lauren King  
Lauren King  
United States District Judge